

Notice of Allowability

Application No.

10/653,838

Applicant(s)

CHANG ET AL.

Examiner

Sheela C. Chawan

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/13/07.
2. ☒ The allowed claim(s) is/are 1-3, 6-7, 11-13, Renumbered as 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892) 12/05/06
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 1/10/06, 9/2/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on 3/13/07 has been entered.

Claims 11-13 are added new claims.

Claims 4 - 5 and 8-10 are canceled.

Claims 1- 3, 6 -7 and 11-13 are pending in the application.

In response to applicant's amendment rejection has been withdrawn and claims 1- 3, 6 -7 and 11-13, are now allowed.

Response to Arguments

2. Applicant's arguments filed on 3/31/07 have been fully considered and are persuasive see remarks on page 5, with respect to claims 1- 10, under 102(e) has been withdrawn and are now allowed.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 1/10/06, 9/2/03, the information disclosure statement has being considered by the examiner.

Drawings

5. The Examiner has approved drawings filed on 9/2/03.

Reason For Allowance

6. The following is an examiner's statement of reasons for allowance:

Claims 1- 3, 6 -7 and 11-13 is allowed and Renumbered as 1- 8.

Applicant's arguments (see page 6, lines 21-26, page 7 lines 9-14 and 22-27, page 8, lines 12-17 of the remarks filed on 3/13/07. The prior art of record Yoshida (US.6,141,439) discloses that an apparatus for image measurement comprises a data setting portion for taking up one of stereoscopic images as a reference image and the other stereoscopic image as a searched image, and establishing a reference data block in the reference image and a searched data block in the searched image and correlation coefficient between the reference data block in the reference image and the searched data block in the searched image is calculated by using a computer. Yoshida does not convert data formals of the reference and searched images into data formats that can be identified by the computer. Yoshida clearly fails to disclose, teach or suggest the feature of a format conversion sub-module for "converting data formats of the first and second images into data formats which can be identified by the measurement computer", as recited in amended claim I. Yoshida does not "compute a conversion proportion for the searched image and the reference image". Yoshida clearly fails to disclose, teach or suggest the feature of a proportion conversion sub-module for computing a conversion proportion based on an actual size of the measured object and an image size of the standard object, as recited in amended claim I. Yoshida clearly fails to disclose, teach or suggest the feature of a "border processing sub-module for

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ascertaining borders of different parts of the measured object according to different lattice densities in the first image” as recited in amended claim I, as commonly included in each of the independent claim 1 and 6, the prior art of record fails to teach either singularly or in combination, fails to anticipate or render the above limitations obvious.

7. Any comments considered necessary by applicant must be submitted on later than the payment of the issue fee and to avoid processing delays should preferably accompany the issue fee. Such submissions should be clearly labeled, comments on statement of reasons for allowance.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela C Chawan whose telephone number is. 571-272-7446. The examiner can normally be reached on Monday - Thursday 7.30 - 6.00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sheela Chawan
Patent Examiner
Group Art Unit 2624
April 12, 2007


SHEELA CHAWAN
PRIMARY EXAMINER